REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed July 28, 2005. In the Office Action, the Examiner notes that claims 1-27 are pending and rejected. By this response, claims 1, 9, 18 and 22 are amended.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Amendments to the Claims

By this response, claims 1, 9, 18 and 22 are amended. The amendments are fully supported by the Specification, Drawings and Claims as originally filed. For example, the amendments are supported at least by page 54, lines 5-21; page 60, line 16, to page 61, line 7; and Figures 25 and 31.

Therefore, no new matter has been added, and the Examiner is respectfully requested to enter the amendments.

35 U.S.C. §103 Rejection of Claims 22 and 25

The Examiner has rejected claims 22 and 25 under 35 U.S.C. §103(a) as being unpatentable over Lanier et al. (U.S. 5,588,104, hereinafter "Lanier '104") in view of Esch et al. (U.S. 5,283,639, hereinafter "Esch"). Applicants respectfully traverse the rejection.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. The Lanier '104 and Esch references fail to teach or suggest all of the limitations recited in claim 22, and thus fail to teach or suggest the Applicants' invention as a whole.

Specifically, the Lanier '104 and Esch references do not teach or suggest at least a "method for placing virtual objects into video programs at a viewer's

terminal in a television program delivery system," and "receiving, at the viewer's terminal, a plurality of virtual objects ... wherein the plurality of virtual objects are received through the television program delivery system;" and "receiving, at the viewer's terminal, a group assignment matrix and a retrieval plan ... wherein the group assignment matrix and the retrieval plan are received through the television program delivery system" (emphasis added) as recited in the claim.

The Lanier '104 reference discloses a method and apparatus for creating virtual worlds. The method uses a computer to display a data flow network as a plurality of interconnected units. An interactive program allows the appearance of the plurality of interconnected units to be changed. The data flow network is then automatically altered to correspond with the visual changes. However, regarding the Lanier '104 reference, the Examiner acknowledges (emphasis added below):

> "... Lanier fails to teach the virtual program includes receiving a group assignment matrix and retrieval plan for the viewer's terminal and the other terminals;
> Executing the retrieval plan at the viewer's terminal to instruct, based on the group assignment matrix, the viewers terminal to select one or more of the plurality of virtual objects." (page 3 of the 7/28/05 Office Action)

Moreover, the Applicants respectfully submit that the Lanier '104 reference has further shortcomings. Specifically, the Lanier '104 reference also does not teach or suggest a "method for placing virtual objects into video programs at a viewer's terminal in a television program delivery system." The computer discussed in the Lanier '104 reference is not a viewer terminal in a television program delivery system. Furthermore, the Lanier '104 reference also does not teach or suggest "receiving, at the viewer's terminal, a plurality of virtual objects ... wherein the plurality of virtual objects are received through the television program delivery system." As discussed above, the computer discussed in Lanier '104 is not a viewer terminal in a television program delivery system, and thus the objects in the virtual world discussed in the Lanier '104 reference are not received at a viewer's terminal in a television program delivery system.

Additionally, the objects in the virtual world discussed in the Lanier '104 reference are not received through the television program delivery system.

The Esch reference fails to bridge the substantial gap between the Lanier '104 reference and the Applicants' invention as recited in claim 22. The Esch reference discloses a "multiple media system having a central site and a remote site for customizing video and audio presentations" (abstract). The Esch reference discloses, regarding the remote site (emphasis added below):

> "The remote site, using content data signals, tags each signal which has been delivered from the central site. Tagging a signal includes taking a primary signal, such as a video signal, and converting or customizing the primary signal into a signal for a particular location by adding a specific content data signal The content data signals may include graphics, text, photographs or audio tracks. The tagged presentations or signal look like local presentation or signals, and are automatically inserted into the communications networks." (column 3, lines 55-65)

Thus, the Esch reference discloses customizing a primary signal at a remote site by adding a content data signal.

However, the Esch reference does not teach or suggest receiving, at a viewer's terminal in a television program delivery system, a plurality of virtual objects and a group assignment matrix and retrieval plan, wherein the receiving is through the television program delivery system. The remote site discussed in the Esch reference is not a viewer's terminal in a television program delivery system. Instead, the remote site discussed in the Esch reference is a media processing facility. For example, the Esch reference recites (emphasis added below):

> "A central site London 31, by way of example originates television commercials for transmission through a communications channel shown as a satellite 30 and for delivery to remote sites, which are facilities such as the Birmingham remote site 32, and the Zurich remote site 33, for example. The central site may also serve as a remote site. The remote site may couple into cable systems, VHF or UHF channels, fiber optics networks, hotels, or other rebroadcast systems." (column 3, lines 47-55)

Thus, the remote site discussed in the Esch reference is not a viewer's terminal in a television program delivery system, but is instead a facility, which couples into, i.e., a cable system.

As further evidence that the remote site discussed in the Esch reference is not a viewer's terminal in a television program delivery system, please consider the further disclosure (emphasis added below):

> "In operation, the multiple media delivery network of the present invention, at the central site, reviews full-motion analog or digital video content as video signals, designs content data signals for the video signals. The content data signals may be either analog or digital, include text, graphics, full screen tags, and new audio tracks, The content data signals and video signals are sent to each universal system platform of each remote site. The communications processor of the universal system platform receives the content data signals, and the content data signals are stored on a disk. At a prescribed time, the full-motion video signals, which are the analog or digital video content consumer, educational, entertainment, business or other program, are transmitted from the headend computer to each universal system platform. The communications processor in each universal system platform receives and tags uniquely each video signal, thereby generating customized video content. The video content are stored on storage devices such as video tape recorders or digital storage including compact disk read only memory or other devices with digital encoding. In response to receiving a cue signal, the universal system platform inserts the scheduled modified signal into a local network." (column 5, lines 22-46)

Thus, the remote site discussed in the Esch reference receives the content data signals and video signals from the central site, and in response to receiving a cue signal, inserts the scheduled modified signal into a local network. Thus, the remote site of the Esch reference is not a viewer's terminal in a television program delivery system, but is instead a facility, which customizes a signal before inserting the signal into a network.

As such, the Esch reference does not teach or suggest at least "receiving, at the viewer's terminal, a group assignment matrix and a retrieval plan" (emphasis added) as recited in the claim, and as relied upon by the Examiner.

Therefore, the Lanier '104 and Esch references, alone or in combination, fail to teach Applicants invention, as recited in claim 22, as a whole.

As such, Applicants submit that independent claim 22 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, claim 25 depends directly from independent claim 22 and recites additional features thereof. As such and at least for the same reasons as discussed above, Applicants submit that dependent claim 25 also is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 1-6, 8-14, 16-21, 23, 24, 26 and 27

The Examiner has rejected claims 1-6, 8-14, 16-21, 23, 24, 26 and 27 under 35 U.S.C. §103(a) as being unpatentable over Lanier '104 in view of Lanier et al. (U.S. Patent 5,588,139, hereinafter "Lanier '139") further in view of Esch. Applicants respectfully traverse the rejection.

As discussed above, the Lanier '104 and Esch references, alone or in combination, do not teach or suggest Applicants' invention as a whole, as recited in independent claim 22. Independent claim 1 includes substantially similar relevant limitations as those discussed above in regards to claim 22. Therefore, the Lanier '104 and Esch references, alone or in combination, do not teach or suggest Applicants' invention as a whole, as recited in independent claim 1.

Furthermore, the Lanier '139 reference fails to bridge the substantial gap between the Lanier '104 and Esch references and Applicants' invention as recited in claim 1. The Lanier '139 reference discloses "[a] computer model of a virtual environment is continuously modified by input from various participants. The virtual environment is displayed to the participants using sensory displays such as head-mounted visual and auditory displays which travel with the wearer and track the position and orientation of the wearer's head in space." (abstract) However, Lanier '139 also does not teach or suggest at least a "method for placing virtual objects in virtual object locations in a video program at a viewer's

terminal in a television program delivery system," and "receiving, at the viewer's terminal, a plurality of virtual objects ... wherein the plurality of virtual objects are received through the television program delivery system," and "receiving, at the viewer's terminal, a group assignment matrix and a retrieval plan ... wherein the group assignment matrix and the retrieval plan are received through the television program delivery system" as recited in claim 1 as amended.

Therefore, the Lanier '104, Esch and Lanier '139 references, alone or in combination, fail to teach Applicants invention, as recited in claim 1, as a whole.

As such, Applicants submit that independent claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Moreover, independent claims 9, 18 and 22 include substantially similar relevant limitations as those discussed above in regards to claim 1. Therefore, independent claims 9, 18 and 22 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Furthermore, claims 2-6, 8, 10-14, 16-17, 19-21, 23, 24, 26 and 27 depend, either directly or indirectly, from independent claims 1, 9, 18 and 22 and recite additional features thereof. As such and at least for the same reasons as discussed above, Applicants submit that these dependent claims are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 7 and 16

The Examiner has rejected claims 7 and 16 under 35 U.S.C. §103(a) as being unpatentable over Lanier '104 in view of Lanier '139 further in view of Esch further in view of de Hond (U.S. Patent 5,737,533, hereinafter "Hond"). Applicants respectfully traverse the rejection.

Claims 7 and 16 depend, either directly or indirectly, from independent claims 1 and 9, and recites additional features thereof. Moreover, claims 1 and 9 are patentable over the Lanier '104, Lanier '139 and Esch references at least for the reasons discussed above. Accordingly, any attempted combination of the Lanier '104, Lanier '139 and Esch references with any other additional

references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 7 and 16 are also not obvious and are patentable under 35 U.S.C. §103.

CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 383-1438 or Stephen Guzzi at (732) 383-1405 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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